

of the Federal Government over the lives and activities of regular people.

Now, my office has recently heard from James Ramsey from Rush County, IN. James and his family farm corn, soybeans, and wheat in the east central part of our State. They have been farming and maintaining the same land since the 1860s. They also run a small business helping farmers and counties with drainage installation, ditch digging, and land clearing, improving water quality and soil health in the process.

They started out doing minor projects back in 2008 but have since grown, acquiring their own wheel trencher and commercial plow. Through hard work and through a lot of planning, James, his father, his brother, and others have expanded this business. They have clients now throughout the State of Indiana, and they have eight employees.

It is a real American success story—exactly the type WOTUS will interrupt. James, like many other farmers and small business owners across the country, knows what these newly revised, overly complex rules will accomplish. They will accomplish increased overhead, prolonged permitting processes, slowed or even stopped projects, and, ultimately, laid-off employees.

James has never had to let a single employee go because of a lack of demand. Instead, he regards his employees as family. They have their own families to feed. They have their own mortgages to pay, their own homes to heat. And James understands this.

This is why one of his greatest fears is having to one day—sometime soon, perhaps—walk into his shop and tell one of his guys that he can't keep everyone because of these new regulations. If this new definition of WOTUS stands, that has a strong chance of becoming reality. James might have to make that walk that he so wants to avoid.

Listen, our farmers don't want to clear the land or harm its creeks and streams. They want to take care of the soil—what they have been doing for generations. They want to continue to work hard on behalf of their families and ensure that they can continue in this noble profession that their fathers and grandfathers have been involved in. They want to pass this on to their children and grandchildren.

I have to say, our farmers also know quite a bit more about their land than the bureaucrats who wrote this WOTUS rule. As James pointed out, much of Indiana is not naturally drained. Because it was cleared long ago, rain empties into manmade streams and tile drains. We have the highest percentage of subsurface drainage in the entire nation in the State of Indiana.

Drainage systems are central to the productivity of our farms. Tangling them up with greater Federal regulation could be disaster for our agriculture industry. Farmers like James

have been through so much over the past few years. They have hung in there nonetheless.

Now, just when they think they have turned another corner, WOTUS resurfaces, and, as James said, there is a real fear that these new regulations will have an even greater long-term impact than the pandemic or supply chain crisis.

Right now, our farmers are asking for clarity, for an even-handed approach to regulation that, at once, respects the environment and allows them to continue to grow. If the Biden administration is serious, if they are genuinely serious about strengthening the economy, they will reverse course and give our farmers this clarity and certainty they so desire.

We should rescind this rule.
I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 35, Jonathan James Canada Grey, of Michigan, to be United States District Judge for the Eastern District of Michigan.

Charles E. Schumer, Richard J. Durbin, Richard Blumenthal, Christopher A. Coons, Benjamin L. Cardin, Tina Smith, Christopher Murphy, Mazie Hirono, Tammy Baldwin, Margaret Wood Hassan, John W. Hickenlooper, Sheldon Whitehouse, Catherine Cortez Masto, Brian Schatz, Gary C. Peters, Alex Padilla, Michael F. Bennet.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Jonathan James Canada Grey, of Michigan, to be United States District Judge for the Eastern District of Michigan, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Pennsylvania (Mr. FETTERMAN), and the Senator from Oregon (Mr. MERKLEY) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Idaho (Mr. CRAPO).

The PRESIDING OFFICER (Ms. BALDWIN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 44, as follows:

[Rollcall Vote No. 34 Ex.]

YEAS—52

Baldwin	Heinrich	Rosen
Bennet	Hickenlooper	Sanders
Blumenthal	Hirono	Schatz
Booker	Kaine	Schumer
Brown	Kelly	Shaheen
Cantwell	King	Sinema
Cardin	Klobuchar	Smith
Carper	Lujan	Stabenow
Casey	Manchin	Tester
Collins	Markey	Van Hollen
Coons	Menendez	Warner
Cortez Masto	Murkowski	Warnock
Duckworth	Murphy	Warren
Durbin	Murray	Welch
Gillibrand	Ossoff	Whitehouse
Graham	Padilla	Wyden
Grassley	Peters	
Hassan	Reed	

NAYS—44

Barrasso	Hagerty	Risch
Blackburn	Hawley	Romney
Boozman	Hoeben	Rounds
Braun	Hyde-Smith	Rubio
Britt	Johnson	Schmitt
Budd	Kennedy	Scott (FL)
Capito	Lankford	Scott (SC)
Cassidy	Lee	Sullivan
Cornyn	Lummis	Thune
Cotton	Marshall	Tillis
Cramer	McConnell	Tuberville
Cruz	Moran	Vance
Daines	Mullin	Wicker
Ernst	Paul	Young
Fischer	Ricketts	

NOT VOTING—4

Crapo	Fetterman
Feinstein	Merkley

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 44.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Jonathan James Canada Grey, of Michigan, to be United States District Judge for the Eastern District of Michigan.

LEGISLATIVE SESSION

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE DEPARTMENT OF LABOR RELATING TO "PRUDENCE AND LOYALTY IN SELECTING PLAN INVESTMENTS AND EXERCISING SHAREHOLDER RIGHTS"

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to legislative session and proceed to the immediate consideration of H.J. Res. 30, which the clerk will report.

The senior assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 30) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Labor relating to "Prudence and Loyalty in Selecting Plan Investments and Exercising Shareholder Rights".

The PRESIDING OFFICER. The senior Senator from Hawaii.

Mr. SCHATZ. Madam President, there is a group of elected officials in